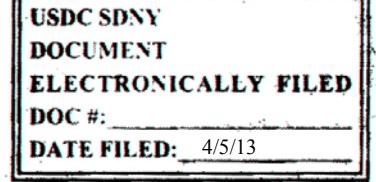


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



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JODY KRISS,

: Plaintiff

: 10 Civ. 03959 (LGS)

: -against-

BAYROCK GROUP, LLC, *et al.*,

: Defendants

:
ORDER

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LORNA G. SCHOFIELD, District Judge:

WHEREAS, on May 14, 2010, the Court ordered that no further dissemination of the Complaint and attached exhibits or the sealed information contained therein be made without further order of the Court (*see* dkt. entry 2). The Court also ordered that the Complaint be sealed pending further order of the Court and that Plaintiff file a redacted version of the Complaint, redacting any sealed documents or references to sealed documents, by May 19, 2010 (*see* dkt. entry 3).

WHEREAS, in a letter dated December 16, 2010, the Court directed Plaintiff to send a proposed complaint to the Court, with specific citation to publicly available sources for any allegation that makes reference to information or documents that are generally treated as sealed or privileged, before filing a complaint publicly or serving it on defendants.

WHEREAS, the Court has granted a series of extensions of time to file the Complaint pending litigation of collateral matters in the Eastern District of New York and the Second Circuit. On December 17, 2012, the Court extended Plaintiff's time to serve the Complaint through and inclusive of April 1, 2013 (*see* dkt. entry 29).

WHEREAS, on April 1, 2013, Plaintiff emailed an *ex parte* letter to the Court requesting an extension of time to file and serve a redacted or amended complaint and requesting an *ex parte* telephone conference.

WHEREAS, at 12:01 a.m. on April 2, 2013, the Court received *ex parte* by email two documents from Plaintiff, (1) a Verified Complaint, dated May 10, 2010, which appears to be a redacted version of the original Complaint, and (2) a First Amended Verified Complaint (unredacted), dated April 1, 2013.

WHEREAS, on April 2, 2013, the Court received *ex parte* by email an “amended” letter from Plaintiff again requesting an extension of time to file and serve a redacted or amended complaint. In the letter, Plaintiff states that a redacted or amended complaint could not be filed or served without further direction of the Court.

WHEREAS, on April 3, 2013, the Court received by mail hard copies of the documents received by email on April 2, and an *ex parte* letter from Plaintiff requesting “orders for filing and serving redacted and amended complaints.” Accordingly, it is hereby

ORDERED that counsel for all parties review and comply with the Court’s Individual Rules and Procedures (“Individual Rules”) (available at the Court’s website, <http://nysd.uscourts.gov/judge/Schofield>); and

ORDERED that in accord with the Court’s Individual Rules, communications with the Court ordinarily shall be by email, and shall be emailed simultaneously to all counsel. Such communications, if possible, should not contain confidential or sealed information. To the extent that confidential or sealed information in a Court communication cannot be omitted, a copy shall be emailed simultaneously to counsel for the the adverse party already privy to the confidential or sealed information. All future *ex parte* communications in this matter will be disregarded by the Court.

IT IS FURTHER ORDERED that Plaintiff’s request for an extension of time to file and serve a complaint is denied. Plaintiff’s request for an *ex parte* telephone conference is also denied.

IT IS FURTHER ORDERED that Plaintiff's Verified Complaint and First Amended Verified Complaint, received on April 2, 2013 at 12:01 a.m., are deemed timely submitted on April 1, 2013 for the purposes of the Court's December 17, 2012 Order granting an extension of time to serve the complaint. Based on the Court's December 16, 2010 instruction that Plaintiff submit a proposed complaint to the Court prior to publicly filing or serving a complaint, the Court's previous orders extending "time to serve" are construed as extending time to submit a proposed redacted or amended complaint for the Court's review.

IT IS FURTHER ORDERED that Plaintiff shall not file or serve either the Verified Complaint and First Amended Verified Complaint except as directed in this Order.

IT IS FURTHER ORDERED that Plaintiff send copies of Plaintiff's letters to the Court, dated April 1, 2013, April 2, 2013, and April 3, 2013, to all parties or their counsel **no later than April 12, 2013**.

IT IS FURTHER ORDERED that Counsel for Plaintiffs send copies of the Verified Complaint and First Amended Verified Complaint to Defendant Satter or his counsel, and no other defendants, **no later than April 12, 2013**.

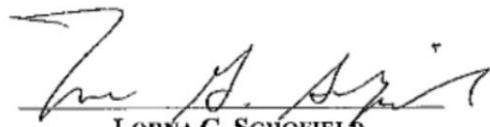
IT IS FURTHER ORDERED that Defendant Satter or his counsel submit a letter to the Court, **no later than April 18, 2013**, including the following information:

1. Defendant's response, if any, to Plaintiff's letters of April 1, 2013, April 2, 2013, and April 3, 2013;
2. Defendant's position regarding whether or to what extent the First Amended Verified Complaint is appropriate for public filing. If Defendant has objections to the public filing of the First Amended Verified Complaint, Defendant shall specifically state those objections in the letter, citing to the specific paragraph to which Defendant objects and explaining why;

3. Any further relief sought or any other information that Defendant believes may assist the Court.

SO ORDERED.

Dated: New York, New York
April 5, 2013



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE